

II. REMARKS

Applicant would first like to thank the Examiner for finding claim 7 directed to allowable subject matter.

In the Office Action of December 19, 2002, the drawings were objected to because they did not display the power supply in operative relation with the plurality of light emitting elements and coupled with the housing, or the plural support members having a flange portion, or figure indicia as listed in the Brief Description of the Drawings. Applicant respectfully requests that FIGS 1-3 as filed, be replace with the enclosed amended FIGS 1-5. Though the figure indicia are indicated in the drawings as filed, applicant respectfully amends the drawings to more conspicuously show FIG. 1a, FIG. 1b and FIG. 1c. Also in the amended drawings, the drawing elements have been provided as requested in the Office Action. In view of these corrections to the informal drawings, it is respectfully submitted that the drawings are no longer objectionable for the reasons cited in the Office Action.

Claims 1-10 and 14-20 Stand Rejected Under 35 U.S.C. §112, Second Paragraph

In the Office Action, claims 1-10 and 14-20 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, it was noted in the Office Action that in claim 1 lines 4-5, the phrase "the housing defining a plurality of apertures therethrough" is indefinite as being misdescriptive. Examiner correctly points out that apertures are not through the entire housing. Applicant has amended claim 1 to appropriately define the surface(s) of the housing through which the apertures are formed, which gives a definite scope to claim 1. Therefore, Applicant respectfully requests that the Examiner withdraw the indefiniteness rejection.

In Claim 7 line 5, the Examiner suggests that the limitation "windowsill" is indefinite as being the same as or different from the "window parapet". Claim 7 has been amended to replace the term "windowsill" with "window parapet", thus obviating the Examiner's indefiniteness rejection. Therefore, Applicant respectfully requests that the Examiner withdraw the indefiniteness rejection.

The Examiner rejected claim 9 as indefinite for depending on itself. Applicant would like to thank the examiner for pointing out this typographical error and Applicant has in turn amended claim 9 to depend, as intended, from claim 1. Therefore, Applicant respectfully requests that the Examiner withdraw the indefiniteness rejection.

With respect to claim 14 lines 7-9, the limitation "a plurality of support members ... having a flange portion" is viewed as indefinite as appearing to be misdescriptive. The figures, as amended, clarify the apparent discrepancy between the claims and the figure, thus obviating the Examiner's indefiniteness rejection. Therefore, Applicant respectfully requests that the Examiner withdraw the indefiniteness rejection.

Claims 17 and 20 were rejected as indefinite in light of the fact that the Examiner suggests that the phrase "the light emitting elements illuminate when it is substantially dark and do not illuminate when it is substantially light" has no structural support for this function. Claims 17 and 20 have been amended to include the structure for carrying out that function, which in turn obviates this rejection.

Claims 1-6, 8 and 11-20 Stand Rejected Under 35 U.S.C. §102(b)

In the Office Action, Claims 1-4, 14-17 and 20 were rejected under 35 U.S.C. §102(b) as being anticipated by Abtahi U.S. Patent 5,890,794 (hereinafter Abtahi). It is respectfully submitted that Abtahi does not describe or suggest the present invention as claimed in these claims. Reconsideration of this rejection is respectfully requested for the following reasons.

Claims 1, 11 and 14 of the present application are independent claims drawn to a decorative cordless light emission element display apparatus comprising: a plurality of light emitting elements; a housing having a front surface, a back surface, first and second side surfaces, top and bottom surfaces, a surface of the housing defining a plurality of apertures therethrough for receiving and retaining in a reversible manner, the plurality of light emitting elements; and a power supply in operative relation with the plurality of light emitting elements and coupled with the housing. By the foregoing amendments, claims 1, 11 and 14 have been amended to clarify that the light emitting elements are disposed through apertures formed on a surface of the housing. It is submitted that these amendments do not change the scope of claims 1, 11 and 14 from the claims as originally filed. The purpose of these amendments is only to help further clarify what is meant by the term "therethrough". (See the application specification at, e.g., page 5 lines 5-8).

Applicant submits that the presently claimed apparatus differs substantially from the Abtahi device, at minimum, by the fact that the functional parts of the Abtahi device are dispersed in several different locations and not within a single housing, like the presently claimed device.

Because of the nature of light emitting diodes (LEDs), namely expensive and delicate, the requirement of Abtahi, of using LEDs is generally impractical and inoperable as designed by Abtahi in particular. In other words, the use of LEDs is not

prohibited in the present invention. However, since Abtahi requires that the LEDS be irreversibly soldered within the housing (See column 4 lines 44-61), the LEDS become irreplaceable. As a result, when an LED is no longer functional, for one reason or another, the entire device must be discarded rather than replacing the LED. This is a teaching in strict contrast to the reversible receiving and retaining limitation of the present independent claims. Moreover, Abtahi provides that a clear exterior cover be provided, in addition to and coupled with the housing, to provide an air tight seal for accommodating and retaining an LED cooling fluid (See, Column 7 lines 49-65 and Column 10 lines 21-29). Moreover, the Abtahi device not only requires the clear outer cover, it requires that an airtight seal be formed between the clear outer cover and the housing (See, Column 10 lines 10-20). Neither the cooling fluid nor the airtight external cover, encasing the lights, is required in the presently claimed apparatus.

Specific reference is now made to the Examiners discussion of Abtahi (Page 4, paragraph 12 of the December 19, 2002 Office Action), which states in relevant part:

Abtahi discloses plural light emitting elements (144-fig. 14) situated in apertures (30) of a housing (140); a power supply (180) coupled to the housing (140) and being rechargeable batteries (180) and solar cells (184); housing (140 or 60) is transparent/translucent and inherently rigid material (64, 152); a plurality of support members having a flange portion (170-fig. 11) coupled to the housing (140); and circuitry (189) which switches the light emitting elements at least on/off.

Applicant respectfully points out that in the above discussion, the Examiner appears to have mischaracterized the Abtahi reference. In the Abtahi reference, apertures 30 are for binding the flexible circuit board into a substantially cylindrical configuration, with rivets 46, and not for receiving light emitting elements. Moreover, 60 and 140 are not housings but rather general references to a beacon light, respectively. It should also be kept in mind that the power supply 180, the solar cells 184 and the circuitry 189 are not within the housing as provided in claims 1, 11 and 14. In particular, Abtahi requires an extremely large external power source that could not be adequately miniaturized to fit within the housing. Moreover, the Abtahi device in its present form does not disclose and cannot be operatively modified to substitute traditional filament containing light bulbs for the expensive LEDs.

Thus it is respectfully submitted that independent claims 1, 11 and 14 are not anticipated by, or unpatentably obvious in view of, Abtahi, and are, therefore, in condition for allowance. Claims 2-10, 12-13, 15-17 and 20, depend, either directly or indirectly, from claims 1, 11 and 14, and thus incorporate all of the features thereof.

Thus, it is respectfully submitted that dependent Claims 2-10, 12-13, 15-17 and 20 are also not anticipated by Abtahi, and are also, therefore, in condition for allowance.

In the Office Action, claims 1-6, 8 and 11-20 were rejected under 35 U.S.C. §102(b) as being anticipated by Chen U.S. Patent 5,630,660 (hereinafter Chen). In relevant part, the Examiner states that:

CHEN discloses plural light emitting elements (16-fig. 6) positioned in apertures of a housing (18-fig. 6); a power supply (19-fig. 6 or 60-fig. 3) coupled to the housing (30) and being batteries (60) and solar cells (19), and a circuit switch (col. 4, lines 32-35) that operates the lighting elements; housing (18) is transparent/translucent and inherently rigid material; a hook (12, 13) coupled with a portion of the housing (10-fig. 1); a plurality of support members (20, 40) coupled to the housing (10, 30) and having an actuator (col. 4, lines 40-58) that enables telescoping (20, 21) of the supports.

Applicant respectfully points out that the Examiner has apparently misconstrued the teachings of Chen. The plurality of illuminators 16, provided by Chen, are not disposed within apertures of a housing generally, or apertures of a housing 18 or 30, as suggested by the Examiner. In fact, component 30 is a base and illuminators 16 do not come into contact with housing 18 or base 30 at all. The illuminators are not reversibly coupled with a housing either. Moreover, the battery 60 is not coupled with or within the housing, as provided for by the present claims, but rather resides in the base 30, which is separated from the housing by at least the support 20.

Contrary to the Examiner's suggestion, column 4, lines 32-35 does not disclose explicitly or implicitly a circuit switch that operates the lighting elements. The Chen specification does not suggest alternative structure to carry out such a function either. It must also be noted that what the Examiner refers to as hook 12 and 13 are not hooks but are a lug and a slot, respectively. The lug and slot cooperate to hold the legs in the base. It follows that the lug and slot are functional only when the support 20 is collapsed and the legs are in their stowed position (See, Column 4, lines 40-58 and FIG. 7).

Thus, it is respectfully submitted that claims 1-6, 8 and 11-20 are not anticipated by, or unpatentably obvious in view of Chen, and are, therefore, in condition for allowance.

Claims 9 and 10 Stand Rejected Under 35 U.S.C. §103(a)

In the Office Action, claims 9-10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Chen U.S. Patent 5,630,660 (hereinafter Chen). The Examiner suggests that it "would have been obvious to one having ordinary skill in the art at the time of applicant's invention to provide the housing of CHEN to include at least a removable cover portion of the housing for the purpose of removably

replacing batteries or light sources since it was known in the art to provide a cover portion as part of a light housing for access to the electrical components." Applicant respectfully traverses.

There is no motivation to modify the Chen reference to add a removable cover portion of the housing for the purpose of removably replacing batteries or light sources because in the Chen device, the battery is not in the housing and the light sources are not removable. To this end, there would be no need to put a component in such a hypothetical device if its intended function is contrary to the operability of the device. Additionally, by definition, the tubular housing of the Chen reference cannot have a back or a back cover. Also, as stated in the above discussion, the removable cover is not the only item that the Chen reference fails to teach. Moreover, even if modifiable, the above discussion details why the Chen reference cannot serve as a primary 103(a) reference against the presently claimed invention.

Thus it is respectfully submitted that, claims 9 and 10, which depends from claim 1, are not unpatentably obvious over Chen, and are, therefore, in condition for allowance.

Objection to Claims, Allowable Subject Matter

In the Office Action, claim 7 was objected to as being dependent upon a rejected base claim, but were indicated allowable if re-written in independent form. In light of the foregoing discussion, it is believed that claim 7 is allowable without the need to amend. Therefore, it is respectfully submitted that claim 7 is in condition for allowance.

For the foregoing reasons, it is respectfully submitted that all of the pending claims in this application, as amended, are in condition for allowance. Favorable action on this application is, therefore, solicited.

Respectfully submitted

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CLEAN SHEET OF CLAIMS AS AMENDED

1 1. A decorative cordless light emission element display apparatus
2 comprising:
3 a plurality of light emitting elements;
4 a housing having a front surface, a back surface, first and second side
5 surfaces, top and bottom surfaces, a surface of the housing defining a
6 plurality of apertures therethrough for receiving and retaining in a reversible
7 manner, the plurality of light emitting elements; and
8 a power supply in operative relation with the plurality of light emitting
9 elements and coupled within the housing.

1 2. The decorative cordless light emission element display apparatus of
2 claim 1, wherein the power supply is a battery.

1 3. The decorative cordless light emission element display apparatus of
2 claim 1, wherein the power supply is solar energy system.

1 4. The decorative cordless light emission element display apparatus of
2 claim 1, wherein the housing is formed from a sturdy, shatter resistant, substantially
3 translucent polymeric material.

1 5. The decorative cordless light emission element display apparatus of
2 claim 1, further comprising a hook coupled with a portion of the housing.

1 6. The decorative cordless light emission element display apparatus of
2 claim 5, further comprising a plurality of support members coupled with a portion of
3 the housing.

1 7. The decorative cordless light emission element display apparatus of
2 claim 6, wherein the plurality of support members are configured such that a flange
3 portion of the support member, distal to the housing can rest between the bottom of
4 a window and a window parapet, when a user of the display apparatus desires to
5 secure the display apparatus in a window.

6 8. The decorative cordless light emission element display apparatus of
7 claim 6, wherein the plurality of support members further comprising actuator for
8 allowing the housing to move in a telescoping manner along the longitude of the
9 support member so as to allow the light emitting elements to be displayed a variety
10 of different heights with respect to the window parapet.

1 9. The decorative cordless light emission element display apparatus of
2 claim 1, wherein the [housing further comprising a front and back portion,] the back
3 surface having a cover portion that substantially covers the back of the housing, the
4 cover portion being removable.

1 10. The decorative cordless light emission element display apparatus of
2 claim 9, wherein the back surface of the housing further comprising a power source
3 compartment, the power source compartment having a cover portion that is
4 removable.

1 11. A decorative cordless light emission element display apparatus for
2 easy installation in a window, comprising:
3 a plurality of light emitting elements;
4 a sturdy translucent plastic housing, having a front surface, a back
5 surface, first and second side surfaces, top and bottom surfaces, a surface of
6 the housing defining a plurality of apertures therethrough for receiving and
7 retaining, in a reversible manner, the plurality of light emitting elements, the
8 housing further comprising a front and back portion, the back portion having
9 a cover portion, that substantially covers the back of the housing, the cover
10 portion being removable and wherein the back portion of the housing further
11 comprises a power source compartment, the power source compartment
12 having a cover portion, that is removable;
13 a battery in operative relation with the plurality of light emitting
14 elements and coupled with the housing within the power supply
15 compartment; and

16 a switch to turn the light emitting elements to an on or an off
17 configuration; and

18 A hook coupled with a portion of the housing for displaying the
19 decorative cordless light emission element display..

1 12. The decorative cordless light emission element display apparatus of
2 claim 11, further comprising a plurality of support members, extending both
3 longitudinally and vertically with respect to the support surface, operatively coupled
4 with a portion of the housing, the plurality of support members comprising an
5 actuator for allowing the housing to move in a telescoping manner along the
6 longitude of the support member so as to allow the light emitting elements to be
7 displayed at a variety of different heights with respect to the support surface while
8 the vertical portions of the support member are in contact with a portion of the
9 support surface.

1 13. The decorative cordless light emission element display apparatus of
2 claim 12, wherein the battery is a nine-volt battery.

1 14. A decorative cordless light emission element display apparatus
2 comprising:
3 a plurality of light emitting elements;
4 a sturdy plastic housing, the housing defining a plurality of apertures
5 therethrough for receiving and retaining in a reversible manner, the plurality of
6 light emitting elements;
7 a flange portion coupled with a portion of the housing, suitable for
8 resting between a bottom portion of a window and a windowsill; and
9 a solar power supply in operative relation with the plurality of light
10 emitting elements and coupled within the housing.

1 15. The decorative cordless light emission element display apparatus of
2 claim 14, wherein the housing further comprises a switch, operatively connected to
3 the light emitting elements, to turn the light emitting elements to an on or off
4 configuration.

1 16. The decorative cordless light emission element display apparatus of
2 claim 14, wherein the solar power supply further comprises a rechargeable battery.

1 17. The decorative cordless light emission element display apparatus of
2 claim 14, further comprising a circuit means operably coupled with the plurality of
3 light emitting elements and disposed within the housing wherein the light emitting
4 elements illuminate when it is substantially dark and do not illuminate when it is
5 substantially light.

1 18. The decorative cordless light emission element display apparatus of
2 claim 14, wherein the plurality of support members further comprising actuator for
3 allowing the housing to move in a telescoping manner along the longitude of the
4 support member so as to allow the light emitting elements to be displayed a variety
5 of different heights with respect to the window parapet.

1 19. The decorative cordless light emission element display apparatus of
2 claim 17, further comprising a hook coupled with a portion of the housing.

1 20. The decorative cordless light emission element display apparatus of
2 claim 16, further comprising a circuit means operably coupled with the plurality of
3 light emitting elements and disposed within the housing wherein the light emitting
4 elements illuminate when it is substantially dark and do not illuminate when it is
5 substantially light.